

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Audible Magic Corporation,

Defendant.

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Case No. 6:15-cv-584-RWS-CMC

Jury Trial Demanded

**ORDER REGARDING BLUE SPIKE, LLC'S OBJECTIONS TO REPORT AND
RECOMMENDATION DENYING MOTION FOR SUMMARY JUDGMENT ON
AUDIBLE MAGIC'S COUNTERCLAIMS 9-13**

This matter came before the undersigned on Plaintiff Blue Spike, LLC's Objections to Report and Recommendation Denying Motion for Summary Judgment on Audible Magic's Counterclaims 9-13. Having reviewed the entire record of this case and the briefing by the Parties, IT IS HEREBY ORDERED that:

Plaintiff's Objections are SUSTAINED.

IT IS FURTHER ORDERED that Audible Magic's counterclaims 9, 10, 11, and 13 are hereby DISMISSED WITH PREJUDICE.